

Wayman should not be charged with interest on the \$1040 of the stock of the Maryland Savings Institution during the time that Mrs. Jones received the dividends, but from the time she ceased to receive them. As to the banks and the children of Mrs. Jones, the *cestui que trusts* in remainder, at least he should be charged with interest. Wayman's third exception is, therefore, ruled good as to part, and overruled as to the residue accordingly. Wayman should also be charged as to Mrs. Ann Jones with the dividends or interest in case there be no proof of dividends, of the twenty-seven shares of Farmers and Merchants Bank stock, from the time of their purchase to the date of the transfer, according to the exception of Mrs. Ann Jones, which is ruled good, but not as to the banks or the *cestui que trusts* in remainder.

Wayman is right in his fourth exception, as the administratrix of Samuel Jones should be charged with the amount of abstracted stock not received by him, (Wayman,) or which he is responsible for, but that would not affect the state of his account. The fifth exception is also right if Mrs. Jones has not already been charged with the sum, but I do not see how Wayman can be credited, he being charged only with what he received.

It was not intended by the order of June 2d, that Mrs. Jones should be charged in this case individually in the second place, but that the estate of her husband, Samuel Jones, should be, and for whatever that was liable, it being distributed, she and the other distributees should contribute in proportion to their distributive shares.

Wayman's sixth, seventh and eighth exceptions are overruled. It is clear, from the opinion of the Court of Appeals, that Mrs. Jones is not to be made liable individually for any portion of the abstracted stock, unless her husband, Samuel Jones' estate should be insufficient.

It was contended by the counsel for Wayman on the first argument in this case, that Mrs. Jones was bound, by the decree of the Chancellor, passed on the 23d of October, 1846, on her petition against Stockett and Wayman, she not having appealed from it, and, therefore, although Wayman should be charged